

RESIDENTIAL SERVICE PROTECTION FUND

759.685 Surcharge assessed on retail telecommunications subscribers; rules. (1)(a) In order to fund the programs provided in sections 2 to 6, chapter 290, Oregon Laws 1987, and ORS 759.693 to 759.698, the Public Utility Commission shall develop and implement a system for assessing a surcharge in an amount not to exceed 35 cents per month against each paying retail subscriber who has telecommunications service, or who has interconnected voice over internet protocol service, with access to a telecommunications relay service. The commission shall apply the surcharge on a telecommunications circuit designated for a particular subscriber. One subscriber line must be counted for each circuit that is capable of generating usage on the line side of the switched network regardless of the quantity of customer premises equipment connected to each circuit. For providers of central office based services, the surcharge must be applied to each line that has unrestricted connection to the telecommunications relay service or, for lines that have restricted access to the telecommunications relay service, on the basis of software design. For cellular, wireless or other radio common carriers, the surcharge must be applied on a per instrument basis and only to subscribers whose place of primary use, as defined and determined under 4 U.S.C. 116 to 126, is within this state.

(b) For purposes of this subsection, the commission shall adopt by rule the definition for “interconnected voice over internet protocol service.” The rule defining “interconnected voice over internet protocol service” must be consistent with the definition for “interconnected VoIP service” in 47 C.F.R. 9.3.

(2) The surcharge imposed by subsection (1) of this section does not apply to:

(a) Services upon which the state is prohibited from imposing the surcharge by the Constitution or laws of the United States or the Constitution or laws of the State of Oregon.

(b) Interconnection between telecommunications utilities, telecommunications cooperatives, competitive telecommunications services providers certified under ORS 759.020, radio common carriers and interexchange carriers.

(3) The commission annually shall review the surcharge and the balance in the Residential Service Protection Fund established under ORS 759.687 and may make adjustments to the amount of the surcharge to ensure that the fund has adequate resources, provided that the fund balance does not exceed six months of projected expenses.

(4) Moneys collected pursuant to the surcharge may not be considered in any proceeding to establish rates for telecommunication service.

(5) The commission shall direct telecommunications public utilities to identify separately in bills to customers for service the surcharge imposed under this section.

(6) Notwithstanding ORS 314.835 and 314.840, the Department of Revenue may disclose information received under ORS 403.200 to 403.230 to the commission to carry out the provisions of chapter 290, Oregon Laws 1987.

(7) The commission may disclose information obtained pursuant to chapter 290, Oregon Laws 1987, to the department to administer the tax imposed under ORS 403.200 to 403.230. [1987 c.290 §7; 1991 c.622 §2; 1991 c.872 §8; 1993 c.231 §1; 1995 c.79 §387; 1995 c.451 §1; 2001 c.408 §2; 2011 c.78 §1; 2017 c.237 §1]

Note: The amendments to 759.685 by section 3, chapter 434, Oregon Laws 2017, become operative January 2, 2023, unless the participation rate in the plan of assistance established under section 6, chapter 290, Oregon Laws 1987, increases to at least 26 percent between January 1,

2018, and January 1, 2023, in which case the amendments become operative January 2, 2030. See section 6, chapter 434, Oregon Laws 2017. 759.685, as amended by section 3, chapter 434, Oregon Laws 2017, is set forth for the user's convenience.

759.685. (1)(a) In order to fund the program described in ORS 759.693 to 759.698, the Public Utility Commission shall develop and implement a system for assessing a surcharge in an amount not to exceed 35 cents per month against each paying retail subscriber who has telecommunications service, or who has interconnected voice over internet protocol service, with access to a telecommunications relay service. The commission shall apply the surcharge on a telecommunications circuit designated for a particular subscriber. One subscriber line must be counted for each circuit that is capable of generating usage on the line side of the switched network regardless of the quantity of customer premises equipment connected to each circuit. For providers of central office based services, the surcharge must be applied to each line that has unrestricted connection to the telecommunications relay service or, for lines that have restricted access to the telecommunications relay service, on the basis of software design. For cellular, wireless or other radio common carriers, the surcharge must be applied on a per instrument basis and only to subscribers whose place of primary use, as defined and determined under 4 U.S.C. 116 to 126, is within this state.

(b) For purposes of this subsection, the commission shall adopt by rule the definition for "interconnected voice over internet protocol service." The rule defining "interconnected voice over internet protocol service" must be consistent with the definition for "interconnected VoIP service" in 47 C.F.R. 9.3.

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(a) Services upon which the state is prohibited from imposing the surcharge by the Constitution or laws of the United States or the Constitution or laws of the State of Oregon.

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(3) The commission annually shall review the surcharge and the balance in the Residential Service Protection Fund established under ORS 759.687 and may make adjustments to the amount of the surcharge to ensure that the fund has adequate resources, provided that the fund balance does not exceed six months of projected expenses.

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(5) The commission shall direct telecommunications public utilities to identify separately in bills to customers for service the surcharge imposed under this section.

(6) Notwithstanding ORS 314.835 and 314.840, the Department of Revenue may disclose information received under ORS 403.200 to 403.230 to the commission to carry out the provisions of ORS 759.693 to 759.698.

(7) The commission may disclose information obtained pursuant to ORS 759.693 to 759.698 to the department to administer the tax imposed under ORS 403.200 to 403.230.

Note: Section 6, chapter 434, Oregon Laws 2017, provides:

Sec. 6. (1) The amendments to section 7, chapter 290, Oregon Laws 1987 [759.685], by section 3 of this 2017 Act become operative on January 2, 2023.

(2) Notwithstanding subsection (1) of this section, if the participation rate in the plan of assistance established by the Public Utility Commission under section 6, chapter 290, Oregon

Laws 1987, increases to at least 26 percent between January 1, 2018, and January 1, 2023, the amendments to section 7, chapter 290, Oregon Laws 1987, by section 3 of this 2017 Act become operative on January 2, 2030. [2017 c.434 §6]

759.687 Residential Service Protection Fund. The Residential Service Protection Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by moneys in the fund shall be credited to the fund. All moneys in the fund are appropriated to the Public Utility Commission to carry out the provisions of chapter 290, Oregon Laws 1987. [1987 c.290 §8; 1989 c.966 §74; 1991 c.622 §3; 1991 c.872 §1; 1993 c.231 §2]

(Residential Service Protection)

Note: Sections 2 to 6 and 16, chapter 290, Oregon Laws 1987, provide:

Sec. 2. The Legislative Assembly declares that it is the policy of this state to assure that adequate, affordable residential telecommunication service is available to all citizens of this state. [1987 c.290 §2]

Sec. 3. In carrying out the provisions of section 2 of this 1987 Act, the Public Utility Commission may require telecommunications public utilities to assure that time payment plans for deposits and installation charges or such other options as may be appropriate for a particular telecommunications public utility are made available. [1987 c.290 §3]

Sec. 4. In carrying out the provisions of section 2 of this 1987 Act the Public Utility Commission may:

(1) Notwithstanding ORS 757.310, approve a different rate for local exchange residential telecommunication service for low income customers than the rate charged to other residential customers. However, any such rate is subject to all other provisions of this chapter [ORS chapter 759].

(2) Establish plans, or require telecommunications public utilities to establish plans, to educate customers regarding the options available for obtaining telecommunication services. [1987 c.290 §4]

Sec. 5. (1) In carrying out the provisions of section 2, chapter 290, Oregon Laws 1987, the Public Utility Commission shall establish rules to prohibit the termination of local exchange residential service when such termination would significantly endanger the physical health of the residential customer.

(2) The commission shall provide by rule a method for determining when the termination of local exchange residential service would significantly endanger the physical health of the residential customer.

(3)(a) The commission shall require that each telecommunications public utility:

(A) Accept medical statements by licensed physicians, naturopathic physicians and licensed nurse practitioners as sufficient evidence of significant endangerment of health; and

(B) Establish procedures for submitting and receiving such medical statements.

(b) A medical statement submitted under this subsection shall be valid for such period as the commission, by rule, may prescribe.

(4) Rules adopted by the commission pursuant to this section shall not apply to telecommunication service other than local exchange residential service.

(5) A customer submitting a medical certificate as provided in this section is not excused from paying for telecommunication service. Customers are required to enter into a time payment

agreement with the utility if an overdue balance exists. Local exchange service is subject to termination if a customer refuses to enter into or fails to abide by terms of a payment agreement.

(6) Nothing in this section prevents the termination of local exchange residential service if the telecommunications public utility providing the service does not have the technical ability to terminate toll telecommunication service without also terminating local exchange telecommunication service. [1987 c.290 §5; 2017 c.356 §104]

Sec. 6. (1) In carrying out the provisions of section 2, chapter 290, Oregon Laws 1987, the Public Utility Commission shall establish a plan to provide assistance to low income customers through differential rates or otherwise. The plan of assistance is in addition to the available funding offered by the Federal Communications Commission. The plan established by the Public Utility Commission shall prescribe the amount of assistance to be provided and the time and manner of payment.

(2) For the purpose of establishing a plan to provide assistance to low income customers under this section, the commission shall require all public utilities, cooperative corporations and unincorporated associations providing local exchange telecommunication service to participate in the plan, except as provided in subsection (3) of this section.

(3) In lieu of participation in the commission's plan to assist low income customers, a public utility, cooperative corporation or unincorporated association providing local exchange telecommunication service may apply to the commission to establish an alternative plan for the purpose of carrying out the provisions of section 2, chapter 290, Oregon Laws 1987, for its own customers. The commission shall adopt standards for determining the adequacy of alternative plans.

(4) The commission may contract with any governmental agency to assist the commission in the administration of any assistance plan adopted pursuant to this section.

(5) As used in sections 2 to 6, chapter 290, Oregon Laws 1987, "low income customer" has the meaning given that term by the commission by rule. [1987 c.290 §6; 1991 c.622 §1; 2007 c.29 §1; 2009 c.599 §25; 2011 c.77 §1; 2013 c.29 §1]

Sec. 16. (1)(a) Sections 1, 2, 3, 4, 5 and 15, chapter 290, Oregon Laws 1987, are repealed on January 1, 2023.

(b) Section 6, chapter 290, Oregon Laws 1987, as amended by section 1, chapter 622, Oregon Laws 1991, section 1, chapter 29, Oregon Laws 2007, section 25, chapter 599, Oregon Laws 2009, section 1, chapter 77, Oregon Laws 2011, and section 1, chapter 29, Oregon Laws 2013, is repealed on January 1, 2023.

(c) Section 2, chapter 204, Oregon Laws 2005, as amended by section 359, chapter 70, Oregon Laws 2007, is repealed on January 1, 2023.

(2) Notwithstanding subsection (1) of this section, if the participation rate in the plan of assistance established by the Public Utility Commission under section 6, chapter 290, Oregon Laws 1987, increases to at least 26 percent between January 1, 2018, and January 1, 2023:

(a) Sections 1, 2, 3, 4, 5 and 15, chapter 290, Oregon Laws 1987, are repealed on January 1, 2030.

(b) Section 6, chapter 290, Oregon Laws 1987, as amended by section 1, chapter 622, Oregon Laws 1991, section 1, chapter 29, Oregon Laws 2007, section 25, chapter 599, Oregon Laws 2009, section 1, chapter 77, Oregon Laws 2011, and section 1, chapter 29, Oregon Laws 2013, is repealed on January 1, 2030.

(c) Section 2, chapter 204, Oregon Laws 2005, as amended by section 359, chapter 70, Oregon Laws 2007, is repealed on January 1, 2030. [1987 c.290 §16; 1991 c.622 §4; 1997 c.481 §1; 2001 c.408 §1; 2009 c.544 §1; 2017 c.434 §4]

Note: Sections 1 and 2, chapter 204, Oregon Laws 2005, provide:

Sec. 1. Section 2 of this 2005 Act is added to and made a part of sections 2 to 6, chapter 290, Oregon Laws 1987. [2005 c.204 §1]

Sec. 2. (1) In carrying out the provisions of section 2, chapter 290, Oregon Laws 1987, the Public Utility Commission shall adopt rules to prohibit the termination of local exchange residential service if the termination would significantly endanger a customer, or a person in the household of the customer, who is:

(a) At risk of domestic violence, as defined in ORS 135.230;

(b) At risk of unwanted sexual contact, as defined in ORS 163.305;

(c) A person with a disability, as defined in ORS 124.005, who is at risk of abuse, as defined in ORS 124.005 (1)(a), (d) or (e);

(d) An elderly person, as defined in ORS 124.005, who is at risk of abuse, as defined in ORS 124.005 (1)(a), (d) or (e); or

(e) A victim of stalking, as described in ORS 163.732.

(2) A customer may establish that termination of local exchange residential service would significantly endanger the customer, or a person in the household of the customer, by providing a telecommunications public utility with an affidavit signed by the customer stating that termination would place the customer, or a person in the household of the customer, at significant risk of domestic violence, as defined in ORS 135.230, or of unwanted sexual contact, as defined in ORS 163.305. The customer must attach to the affidavit a copy of an order issued under ORS 30.866, 107.700 to 107.735, 124.005 to 124.040 or 163.738 that restrains another person from contact with the customer, or a person in the household of the customer, or a copy of any other court order that restrains another person from contact with the customer, or a person in the household of the customer, by reason of a risk described in subsection (1) of this section or by reason of stalking.

(3) The commission shall require that each telecommunications public utility establish procedures for submitting and receiving affidavits under subsection (2) of this section.

(4) This section does not apply to termination of any telecommunication service other than local exchange residential service.

(5) A customer submitting an affidavit as provided by subsection (2) of this section is not excused from paying for telecommunication service. Customers are required to enter into a reasonable payment agreement with the telecommunications public utility if an overdue balance exists. Local exchange residential service may be terminated if a customer refuses to enter into or fails to abide by the terms of a reasonable payment agreement.

(6) Nothing in this section prevents the termination of local exchange residential service if the telecommunications public utility providing the service does not have the technical ability to terminate toll telecommunication service without also terminating local exchange residential service. [2005 c.204 §2; 2007 c.70 §359]

759.688 Oregon Telephone Assistance Program Advisory Committee; duties; members; rules. (1) As used in this section, “the plan of assistance” means the plan of assistance established by the Public Utility Commission under section 6, chapter 290, Oregon Laws 1987.

(2) The Oregon Telephone Assistance Program Advisory Committee is established as an advisory committee to the commission for the purposes described in subsection (4) of this section.

(3) The committee consists of the following nine members appointed by the Governor:

(a) A person who represents the Public Utility Commission who is knowledgeable about telecommunications;

(b) A person who represents the Citizens' Utility Board;

(c) A person who represents the Oregon Health Authority;

(d) A person who represents telecommunications carriers, including cellular phone carriers;

(e) A person who represents coordinated care organizations, as defined in ORS 414.025;

(f) A person who represents individuals who are homeless;

(g) A person who represents individuals who are deaf, deaf-blind or hard of hearing;

(h) A person who is a low income customer who receives assistance under section 6, chapter 290, Oregon Laws 1987; and

(i) A resident of this state with a background in marketing and outreach.

(4) The committee shall:

(a) Establish goals for participation by low income customers in the plan of assistance;

(b) Advise the commission on the eligibility process for participating in the plan of assistance;

(c) Advise the commission on the regulation of the plan of assistance, including:

(A) Advice on streamlining eligibility processes;

(B) Advice on improving handset activations;

(C) Advice on use of Social Security numbers and other identifying documents; and

(D) Advice on use of a comprehensive human services outreach approach to encourage participation in the plan of assistance;

(d) Review the participation rates in programs offered by other states that are similar to the plan of assistance, particularly programs that have a higher participation rate than the plan of assistance;

(e) Develop a strategic plan to increase the participation rate in the plan of assistance;

(f) Annually review the participation rate in the plan of assistance and any annual increase in the participation rate in the plan of assistance; and

(g) Make recommendations as to the use of available funds for the following activities:

(A) Marketing and outreach;

(B) Developing partnerships with low income constituency groups; and

(C) Coordinating with state agencies that serve the low income customers eligible to participate in the plan of assistance.

(5) A majority of the members of the committee constitutes a quorum for the transaction of business.

(6) Official action by the committee requires the approval of a majority of the members of the committee.

(7) The committee shall elect one of its members to serve as chairperson.

(8) The term of office of each member of the committee is four years, but a member serves at the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on January 1 of the following year. A member is eligible for reappointment. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

(9) The committee shall meet at times and places specified by the call of the chairperson or of a majority of the members of the committee.

(10) The committee shall adopt rules necessary for the operation of the committee.

(11) Members of the committee are not entitled to compensation, but may be reimbursed for actual and necessary travel and other expenses incurred by them in the performance of their official duties in the manner and amounts provided for in ORS 292.495. Claims for expenses shall be paid out of funds appropriated to the commission for purposes of the committee.

(12) The commission shall provide staff support and perform other services for the committee as is necessary for the effective operation of the committee. [2017 c.434 §1]

Note: 759.688 and 759.689 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 759 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

759.689 Use of surcharge for marketing and outreach to increase participation rate in plan of assistance. (1) From moneys collected as a surcharge under ORS 759.685, the Public Utility Commission shall expend moneys on marketing and outreach activities as is necessary to increase the participation rate in the plan of assistance established by the commission under section 6, chapter 290, Oregon Laws 1987.

(2) The Oregon Telephone Assistance Program Advisory Committee established under ORS 759.688 will annually review use of moneys collected as a surcharge under ORS 759.685 and make recommendations to the commission on the amount of moneys to expend on marketing and outreach activities.

(3) Notwithstanding subsections (1) and (2) of this section, moneys expended on marketing and outreach activities under this section may not exceed 15 percent of moneys collected as a surcharge under ORS 759.685.

(4) A coordinated care organization, as defined in ORS 414.025, may not directly receive moneys expended under this section. [2017 c.434 §2]

Note: See note under 759.688.

Note: Section 5, chapter 434, Oregon Laws 2017, provides:

Sec. 5. On or before September 30, 2022, the Public Utility Commission shall report to the interim committees of the Legislative Assembly related to health and business the following:

(1) The average annual participation rate in the plan of assistance established by the commission under section 6, chapter 290, Oregon Laws 1987, for 2017, 2018, 2019, 2020, 2021 and 2022;

(2) The annual moneys expended on marketing and outreach activities under section 2 of this 2017 Act [759.689] during 2017, 2018, 2019, 2020, 2021 and 2022;

(3) A description of marketing and outreach activities funded under section 2 of this 2017 Act and an assessment of the quantitative or qualitative impact of those marketing and outreach activities; and

(4) The amount of benefits provided through the plan of assistance established by the commission under section 6, chapter 290, Oregon Laws 1987, for 2017, 2018, 2019, 2020, 2021 and 2022. [2017 c.434 §5]

759.690 [1989 c.623 §2; renumbered 759.680 in 2017]

(Telecommunication Devices Access Program)

759.693 Definitions. As used in ORS 759.693 to 759.698, unless the context requires otherwise:

(1) “Adaptive equipment” means equipment that permits a person with a disability, other than a person who is hard of hearing or speech impaired, to communicate effectively on the telephone.

(2) “Applicant” means a person who applies for an assistive telecommunication device, adaptive equipment or a signal device.

(3) “Assistive telecommunication device” means a device that utilizes a keyboard, acoustic coupler, display screen, Braille display, speakerphone or amplifier to enable people who are deaf, deaf-blind, hard of hearing or speech impaired to communicate effectively on the telephone.

(4) “Audiologist” means a person who has a master’s or doctoral degree in audiology and a Certificate of Clinical Competence in audiology from the American Speech-Language-Hearing Association.

(5) “Deaf” means a profound hearing loss, as determined by an audiologist, licensed physician, physician assistant, nurse practitioner, hearing aid specialist or vocational rehabilitation counselor of the Department of Human Services, that requires use of an assistive telecommunication device to communicate effectively on the telephone.

(6) “Deaf-blind” means a hearing loss and a visual impairment that require use of an assistive telecommunication device to communicate effectively on the telephone. For purposes of this subsection:

(a) A hearing loss must be determined by an audiologist, licensed physician, physician assistant, nurse practitioner, hearing aid specialist or vocational rehabilitation counselor of the Department of Human Services.

(b) A visual impairment must be determined by a licensed physician, physician assistant, nurse practitioner, vocational rehabilitation counselor of the Department of Human Services or rehabilitation instructor for persons who are blind.

(7) “Disability” means a physical condition, as determined by a licensed physician, physician assistant, nurse practitioner or vocational rehabilitation counselor of the Department of Human Services, other than hearing or speech impairment that requires use of adaptive equipment to utilize the telephone.

(8) “Hard of hearing” means a hearing loss, as determined by an audiologist, licensed physician, physician assistant, nurse practitioner, hearing aid specialist or vocational rehabilitation counselor of the Department of Human Services, that requires use of an assistive telecommunication device to communicate effectively on the telephone.

(9) “Hearing aid specialist” means a person licensed to deal in hearing aids under ORS chapter 694.

(10) “Nurse practitioner” has the meaning given that term in ORS 678.010.

(11) “Physician” means an applicant’s primary care physician or a medical specialist who is able to determine an applicant’s disability and to whom the applicant was referred by the primary care physician.

(12) “Physician assistant” has the meaning given that term in ORS 677.495.

(13) “Recipient” means a person who receives adaptive equipment, an assistive telecommunication device or a signal device.

(14) “Rehabilitation instructor for persons who are blind” means an employee of the Commission for the Blind who:

(a) Meets the minimum qualifications set by the commission to assess adult clients referred for services;

(b) Develops individualized training programs; and

(c) Instructs and counsels clients of the commission on adapting to sight loss.

(15) “Signal device” means a mechanical device that alerts a person who is deaf, deaf-blind or hard of hearing of an incoming telephone call.

(16) “Speech impaired” means a speech disability, as determined by a licensed physician, physician assistant, nurse practitioner, speech-language pathologist or vocational rehabilitation counselor of the Department of Human Services, that requires use of an assistive telecommunication device to communicate effectively on the telephone.

(17) “Speech-language pathologist” means a person who has a master’s degree or equivalency in speech-language pathology and a Certificate of Clinical Competence issued by the American Speech-Language-Hearing Association.

(18) “Telecommunications relay center” means a facility authorized by the Public Utility Commission to provide telecommunications relay service.

(19) “Telecommunications relay service” means a telephone transmission service that provides the ability for an individual who has a hearing or speech disability to engage in communication by wire or radio with a hearing individual in a manner that is functionally equivalent to the ability of an individual who does not have a hearing or speech disability to communicate using voice communication services by wire or radio. “Telecommunications relay service” includes, but is not limited to:

(a) Services that enable two-way communication between an individual using a text telephone or other nonvoice terminal device and an individual not using such a device;

(b) Speech-to-speech services; and

(c) Non-English relay services. [1987 c.290 §9; 1991 c.872 §2; 1995 c.280 §32; 1995 c.451 §2; 1999 c.384 §1; 2007 c.28 §1; 2007 c.70 §353; 2011 c.78 §2; 2011 c.264 §1; 2014 c.45 §83]

759.694 Legislative recognition of need. It is recognized that a large number of people in this state, through no fault of their own, are unable to utilize telecommunication equipment due to the inability to hear or speak well enough or due to other disabilities. It is also recognized that present technology is available, but at significant cost, that would allow these people to utilize telecommunication equipment in their daily activities. There is, therefore, a need to make available such technology in the form of assistive telecommunication devices and a telecommunications relay service for people who are deaf, hard of hearing or speech impaired or adaptive equipment for people with disabilities at no additional cost beyond normal telephone service. The provision of assistive telecommunication devices and a telecommunications relay service or adaptive equipment would allow those formerly unable to use telecommunication systems to more fully participate in the activities and programs offered by government and other community agencies, as well as in their family and social activities. The assistive telecommunication devices or adaptive equipment would be provided on a loan basis to each recipient, to be returned if the recipient moves out of the state. [1987 c.290 §10; 1991 c.872 §3; 1999 c.384 §2; 2007 c.70 §354; 2011 c.264 §2]

759.695 Program for assistive telecommunication devices; program for adaptive equipment. (1) With the advice of the Telecommunication Devices Access Program Advisory Committee, the Public Utility Commission shall establish and administer a statewide program to purchase and distribute assistive telecommunication devices to persons who are deaf, hard of hearing, speech impaired or deaf-blind and establish a telecommunications relay service.

(2) With the advice of the Telecommunication Devices Access Program Advisory Committee, the Public Utility Commission shall establish and administer a statewide program to purchase and distribute adaptive equipment to make telephone service generally available to persons with physical disabilities. [1987 c.290 §11; 1991 c.872 §4; 1999 c.384 §3; 2007 c.70 §355; 2011 c.78 §3; 2011 c.264 §3]

759.696 Telecommunication Devices Access Program Advisory Committee; duties; members. (1) A Telecommunication Devices Access Program Advisory Committee is established to advise the Public Utility Commission on the general development, implementation and administration of the Telecommunication Devices Access Program.

(2) The Telecommunication Devices Access Program Advisory Committee shall include:

(a) Five consumers as follows:

(A) Three who are deaf or hard of hearing;

(B) One who is speech impaired or who has a disability; and

(C) One who is visually impaired or deaf-blind;

(b) One professional in the field of speech impairment, visual impairment, hearing impairment or deafness or disability; and

(c) One representative from those telephone companies interested in providing telecommunication devices access relay services. [1987 c.290 §12; 1991 c.872 §5; 2007 c.70 §356; 2017 c.443 §1]

759.697 Program coordinator; program administration. (1) The Public Utility Commission shall employ a coordinator for the Telecommunication Devices Access Program, who shall be primarily responsible for:

(a) The distribution and maintenance of assistive telecommunication devices and adaptive equipment;

(b) The provision of telecommunications relay services and monitoring of those service providers; and

(c) Community outreach to locate potential beneficiaries of the Telecommunication Devices Access Program.

(2) The commission may contract with any governmental agency, or other entity the commission considers to be qualified, to assist the commission in the administration of ORS 759.693 to 759.698. [1987 c.290 §13; 1991 c.872 §6; 1999 c.384 §4]

759.698 Eligibility to receive telecommunication devices or adaptive equipment. (1)(a) In order to be eligible to receive assistive telecommunication devices or adaptive equipment, individuals must be certified as deaf, hard of hearing, speech impaired or deaf-blind by a licensed physician, physician assistant, nurse practitioner, audiologist, hearing aid specialist, speech-language pathologist, rehabilitation instructor for persons who are blind or vocational

rehabilitation counselor of the Department of Human Services. Certification implies that the individual cannot use the telephone for expressive or receptive communication.

(b) No more than one assistive telecommunication device or adaptive equipment device may be provided to a household. However, two assistive telecommunication devices or adaptive equipment devices may be provided to a household if more than one eligible person permanently resides in the household. Households without any assistive telecommunication devices or adaptive equipment shall be given priority over households with one assistive telecommunication device or adaptive equipment device when such devices are distributed.

(c) ORS 759.693 to 759.698 do not require a telecommunications utility to provide an assistive telecommunication device to any person in violation of ORS 646.730.

(2)(a) In order to be eligible to receive adaptive equipment, individuals must be certified to have the required disability by a person or agency designated by the Public Utility Commission to make such certifications. Certification implies that the individual is unable to use the telephone.

(b) ORS 759.693 to 759.698 do not require a telecommunications utility to provide adaptive equipment to any person in violation of ORS 646.730. [1987 c.290 §14; 1989 c.115 §1; 1991 c.872 §7; 1995 c.280 §33; 1999 c.384 §5; 2007 c.28 §2; 2007 c.70 §357; 2011 c.264 §4; 2014 c.45 §84]